

(c) REMARKS

The claims are 1-4 and 18-36 with claims 1, 18, 24, 25 and 26 being independent. Claim 1 has been amended to better define the claimed invention Support for the amendment to claim 1 is found on page 40, lines 3-5.

The Examiner rejected claims 1-4 and 18-36 as an obviousness type double patenting over claims 1-16 of Honma '743. The Examiner argues units of Formula (1) and (2) of Honma '743 have a  $R_1$  containing a phenyl residue which is said to be substantially the same as applicants' Formula (3) in claim 1. In addition, when Formula (12) or Formula (13) in claim 2 of Honma '743 is substituted for  $R_3$  in claim 2 in Honma '743 they became identical to units of Formula (1) and (2) of instant claim 1. Claims 1-14 and 18 were also rejected as anticipated by Honma '743. The rejection is respectfully traversed.

Honma '743 requires the presence of Formula (1) which is a 3-hydroxy- $\omega$ -(4-vinylphenyl) alkanoate unit. The vinyl group is substituted on the phenyl ring at the 4- (or the para-) position. Indeed, the Examiner notes on page 5, first two paragraphs of the outstanding Official Action that because the present claim 1 recites  $R_z$  is phenyl, that the 4-vinyl phenyl structure of Honma meets that limitation.

Present claim 1 has now been amended to specifically exclude a 4-vinyl substituent on the phenyl residue pursuant to page 40, lines 3-5 which excludes a specific para-substituent of the phenyl group. Therefore, there is no overlap or claim conflict, nor is there any anticipation based on Honma '743.

Claims 1-4 and 18-36 were provisionally rejected as an obviousness type double patenting over claims 1-6 and 12-40 of pending Application No. 10/532,226, now U.S. Patent Publication No. 2006/0079662A1. In particular, the Examiner argues that in

Formula (3) of present claim 1 when  $R_z$  is phenyl, this includes claim 1 of the '226 Application. Claim 1 of the '226 Application is a COOR' substituted phenyl residue, where  $R_1$  is H, Na or K. This residue has been specifically excluded from the present claims. Therefore, there can be no conflict between the claims. One can freely practice the claims of the '226 Application without conflicting with the present claims.

If any issues remain, the Examiner is requested to contact the undersigned to resolve them. The amendment should be entered, the claims allowed and the case passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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